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SUBJECT: IRAN PROTESTS HOST COUNTRY DELAY IN VISA ISSUANCE  
FOR IRANIAN OFFICIALS COMING TO UN OFFICIAL MEETING

REF: USUN NEW YORK 00194

¶1. (U) Summary and Action Request: USUN seeks Department's guidance in replying to Iran's diplomatic note (text in paragraph 5) which protests the USG's delay in issuing visas to Iranian delegates who were to attend the 52nd Session of the Commission on the Status of Women (CSW) February 25 - March 7, 2008. Following a similar Cuban protest (reftel), the Iranian PermRep has requested that the Chair (Cypriot PermRep) of the UN Committee on Relations with the Host Country "bring the issue to the attention of the United Nations relevant bodies." USUN will be expected to provide a written reply for the record, which will also be circulated as a Committee document. Both documents will likely be discussed/examined at the Committee's next meeting. End Summary and Action Request.

¶2. (U) The Iranians had raised the delays in visa issuance to delegates attending last year's session of the Commission on the Status of Women (CSW), and are raising the same issue this year. The meeting appears on the UN Calendar of Conferences and Meetings and is being held as scheduled February 25 - March 7 at UN HQ in NYC. Iran considers the USG's failure to issue the visas in a timely manner as arbitrary, unjustifiable, politically motivated, and suggests that the time has come for the international community to consider a change of venue for UN meetings in view of the repeated failure of the Host Country to abide by its obligations under the Headquarters Agreement to facilitate the participation of member states in UN-related meetings.

¶3. (SBU/NOFORN) Iran MUN provided USUN on February 29 the names of seven delegates who had not received visas in time to attend the CSW meeting. Their names are as follows:  
Mrs. Toubia Kermani, Iranian Cultural Counselor in Greece;  
Mrs. Fatemeh Alia, Member Islamic Consultative Assembly (Parliament);  
Mrs. Tahereh Daniali, Advisor to Minister and DirGen on Women's Affairs and Rural Development, Ministry of Agriculture;  
Mrs. Masoumeh Beigom Taheri, DirGen on Int'l. Relations, Center for Women and Family;  
Mrs. Maryam Shareri, interpreter;  
Mrs. Tahereh Nazzari, DirGen on Women's Affairs and Human Rights, MFA;  
and Mrs. Afsaneh Nadipour, Deputy Director, Department of Human Rights, MFA.

According to the CCD, the first five had submitted their applications only as recently as February 19, less than a week before the CSW meeting began. USUN is prepared to reply to Iran MUN that these individuals applied late, that the Iran MUN never sought USUN assistance regarding these visas (even though USUN has repeatedly encouraged Iran and all Missions that experience delays in visa issuance to contact

us, and especially since Iran claimed to have had difficulties obtaining visas for individuals attending this same meeting last year).

14. (SBU/NOFORN) The last two delegates submitted their initial applications in early January. Even taking into account that Iran's Embassy in Bern failed to supply the required diplomatic note with the applications, and even though Iran did not provide the note until a full week after Amembassy Bern reminded Iran to do so, the note was finally provided o/a January 29. However, the clearances regarding these two applicants were provided to Amembassy Bern only on February 29, five workdays after the two week meeting had already begun. Amembassy Bern may be able to provide additional details that would assist in providing a reply to the Iranian complaint.

15. (U) Begin text of Iran diplomatic Note No. 064 dated February 27, 2008 --Excellency,  
Upon instruction from my Government, I would like to convey our dismay over the refusal by the Host Country of entry visa (sic) to the women delegation (sic) of the Islamic Republic of Iran to attend the Fifty-second session of the Commission on the Status of Women (25 February - 7 March 2008). Due to this arbitrary, unjustifiable and politically-motivated act of the Host Country, which not only contravenes the obligations of the U.S. Government contained in the Headquarters Agreement but also violates the provisions of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character of 14 March 1975, the delegation of the Islamic Republic of Iran has been deprived of its right to attend the meeting of the Commission on the Status of Women and to contribute to its deliberations, for the second consecutive year.

Participation at the Fifty-second session of the Commission on the Status of Women was a precious opportunity for active engagement of the Iranian women to exchange views and experiences with their counterparts. However, due to the failure of the Host Country to issue entry visa (sic) for them, this valuable opportunity was taken away from the Iranian delegation.

The women delegation (sic) of the Islamic Republic of Iran had made necessary preparation for the active participation in the Meeting, especially by preparing practical and action-oriented reports on the allocation of resources to the advancement of women in various fields, and had wished to bring those innovative proposals to the attention of other participants.

Time has come for the international community to consider the change of the venue of the United Nations meetings in view of the repeated failure of the Host Country to abide by its obligations under the Headquarters Agreement to facilitate the participation of member States in the United Nations related meetings.

The Islamic Republic of Iran expresses its strong protest over the repeated failure of the Host Country to honor its legal obligations, and expects the United Nations to take effective measures to protect the sovereign right of Member States and ensure their participation in the United Nations meetings and events. The Host Country shall be urged to take appropriate measures to respect its obligations in accordance with the Headquarters Agreement and other relevant international instruments, prevent the recurrence of such failures in the future and ensure the unimpeded entry into the United States of official representatives of Member States.

I would appreciate if you could bring this issue to the attention of the United Nations relevant bodies, including the Committee on Relations with the Host Country.--End text

¶6. (U) Action Request - USUN requests that Department provide the text of a reply to the Iranian note, particularly in regard to the delay in visa issuance to the two applicants who applied in January, so that the reply can be circulated to member states as a Host Country Committee document.

¶7. (SBU/NOFORN) Comment: Iran's formal protest, coupled with Cuba's recent complaint (reftel), puts USUN in a difficult position. When USUN is apprised of a delay in U.S. visa issuance to a foreign government official or designee coming to attend an official UN meeting in New York, we are often able to request and obtain expedited Security Advisory Opinion (SAO) clearances so that the foreign official is issued his/her visa in time to attend the official UN meeting. Although we have repeatedly asked Missions encountering problems to contact us whenever a visa is delayed, some do not do so (Iran, Sudan) and others do so inconsistently (Cuba). Their failure to do so may be intentional (e.g., to embarrass the U.S. in the Host Country Committee) or may result from the countries' UN Mission not being informed of the visa delay by their counterparts in capital.

¶8. (SBU/NOFORN) Comment continued: In almost every case the delay in visa issuance is due to the lengthy SAO clearance process, and USUN has repeatedly advised the affected UN Missions that applicants from those countries should apply well in advance. The comment section in reftel applies here as well. While no one suggests that these countries would support U.S. policies if their officials' visas were issued more expeditiously, we believe that, even when the delay might be justified (e.g., as in this case by the submission of many applications less than a week before the beginning of the UN meeting), the delay in issuance creates a negative perception by others, including among our allies at the UN, that the U.S. is selectively using delays in visa issuance to harass or punish the governments of countries the U.S. dislikes. While no one will give serious thought to Iran's suggestion that the venue of UN meetings be moved from New York as a solution to delays in the issuance of U.S. visas (also advocated by Venezuela at a Host Country Committee meeting because of problems encountered by diplomats arriving or departing JFK), Iran's formal diplomatic note will, like the Cuban note, add to the critical mass of frustration that could result in an unfavorable UN Legal Counsel opinion holding that USG delays in visa issuance do constitute a breach by the U.S. of our Host Country obligations. End comment.

KHALILZAD